

1 JOSH COLE AICKLEN
Nevada Bar No. 007254
2 Josh.Aicklen@lewisbrisbois.com
DAVID B. AVAKIAN
3 Nevada Bar No. 009502
David.avakian@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
TEL: 702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendants
7 ELI BROWN and AMERICAN
TECHNOLOGIES NETWORKS, INC.
8

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 JOSE HERNANDEZ-GUTIERREZ, an
individual, and SANDRA RAMIREZ, an
12 individual,

Case No.:

13 Plaintiffs,

14 vs.

15 ELI BROWN, an individual, and
16 AMERICAN TECHNOLOGIES
NETWORKS, INC., a foreign Corporation,
17 and HERTZ VEHICLES, LLC, a foreign
Corporation, and DOES I through XX,
18 inclusive and ROE BUSINESS ENTITIES I
through XX, inclusive,

19 Defendants.
20

21
22 STATEMENT CONCERNING REMOVAL (DIVERSITY JURISDICTION)

23 Pursuant to 28 U.S.C. § 1441 (b), Defendants ELI BROWN and AMERICAN
24 TECHNOLOGIES NETWORKS, INC. ("Removing Defendants"), by and through their
25 counsel of record, Josh Cole Aicklen, Esq., and David B. Avakian, Esq., of LEWIS
26 BRISBOIS BISGAARD & SMITH LLP, file this Statement Concerning Removal of Clark
27 County District Court Case No. A-16-748322-C, styled Jose Hernandez-Gutierrez and
28 Sandra Ramirez V. Eli Brown, American Technologies Networks, Inc., and Hertz

1 Vehicles, LLC, and states as follows:

2 1. On December 19, 2016, an action was commenced in the Eighth Judicial
3 District Court, Clark County, State of Nevada, entitled Jose Hernandez-Gutierrez and
4 Sandra Ramirez v. Eli Brown, American Technologies Networks, Inc., and Hertz Vehicles,
5 LLC, ("State Court Action"). On January 18, 2017, Plaintiffs filed an Amended Complaint
6 in the State Court Action. Copies of the Amended Complaint ("State Court Complaint")
7 and Amended Summons are attached hereto and marked respectively as Exhibits A and
8 B, constituting all of the papers and pleadings served on Removing Defendants.

9 2. On February 17, 2017, Plaintiffs served the Amended Summons and State
10 Court Complaint on Removing Defendants.

11 3. Plaintiffs JOSE HERNANDEZ-GUTIERREZ and SANDRA RAMIREZ are
12 citizens of Nevada. No properly named Defendant is a citizen of Nevada. Defendant ELI
13 BROWN is, and was at the time this action commenced, a citizen of California. Defendant
14 AMERICAN TECHNOLOGIES NETWORKS, INC. is, and was at the time this action
15 commenced, a foreign corporation with its principal place of business in California.
16 Defendant HERTZ VEHICLES, LLC is, and was at the time this action commenced, a
17 foreign corporation with its principal place of business in Florida.

18 4. This is a civil action of which this Court has original jurisdiction pursuant to
19 28 U.S.C. §1332, and is one which may be removed to this Court by Defendants ELI
20 BROWN and AMERICAN TECHNOLOGIES NETWORKS, INC. pursuant to the
21 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different
22 states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest
23 and costs.

24 5. Venue is appropriate in the Southern District of the United States District
25 Court for the District of Nevada pursuant to 28 U.S.C. §§1393(b)(2) and (c), §1441(a);
26 and LR IA6-1.

27 6. Plaintiff JOSE HERNANDEZ-GUTIERREZ issued a pre-litigation settlement
28 demand in the amount of \$200,000.00 on September 12, 2016 with ongoing medical

1 treatment. Plaintiff SANDRA RAMIREZ issued a pre-litigation demand in the amount of
2 \$150,000.00 on September 12, 2016, and alleges ongoing medical treatment.
3 Accordingly, I am informed and believe that the amount in controversy in this case
4 exceeds \$75,000.00, exclusive of interests and costs.

5 8. Removing Defendants filed their Notice of Removal less than thirty (30)
6 days after receipt of service of Plaintiffs' Amended Summons and Amended Complaint.

7 9. This action was not commenced in State Court more than one year before
8 removal to this court.

9 10. Defendant HERTZ VEHICLES, LLC has consented to the removal of the
10 State Court Action.

11 DATED this 9th day of March, 2017.

12 Respectfully submitted,

13 LEWIS BRISBOIS BISGAARD & SMITH LLP

14
15 By /s/ Josh Cole Aicklen
16 JOSH COLE AICKLEN
17 Nevada Bar No. 007254
18 DAVID B. AVAKIAN
19 Nevada Bar No. 009502
20 6385 S. Rainbow Boulevard, Suite 600
21 Las Vegas, Nevada 89118
22 Attorneys for Defendants ELI BROWN and
23 AMERICAN TECHNOLOGIES NETWORKS,
24 INC.
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2017, a true and correct copy of the STATEMENT CONCERNING REMOVAL (DIVERSITY JURISDICTION) was served electronically through the Court's Electronic Service system and addressed as follows:

Jorge G. Corral, Esq.
SOUTHWEST LEGAL GROUP
2950 E. Flamingo Road, Suite 1
Las Vegas, NV 89121
T:702-366-1966
F:702-366-1968

Attorney for Plaintiffs JOSE HERNANDEZ-
GUTIERREZ and SANDRA RAMIREZ

Shayne L. Wulterin, Esq.
Marc C. Naron, Esq.
Jennifer N. Taylor, Esq.
Renee E. Jensen, Esq.
FORD, WALKER, HAGGERTY & BEHAR
8215 S. Eastern Avenue, Suite 225
Las Vegas, NV 89123
T: 702-724-2699
F: 702-912-1352
Attorneys for Defendant HERTZ
VEHICLES, LLC

By /s/ Susan Kingsbury
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP